

Message

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Page 1 of 3

[redacted] (IR) (FBI) b6 -1
b7C -1

From: [redacted] (Div13) (FBI)

Sent: Monday, May 10, 2004 12:26 PM b6 -1

To: HARRINGTON, T J. (Div13) (FBI) b7C -1

Cc: BATTLE, FRANKIE (Div13) (FBI) [redacted] (IR) (FBI) [redacted]
(Div13) (FBI) [redacted] (Div13) (FBI) [redacted] (Div13) (FBI);
CUMMINGS, ARTHUR M. (Div13) (FBI)

Subject: Instructions to GTMO interrogators.

~~SECRET//ORCON,NOFORN~~
RECORD 315N-MM-C99102

TJ,

I will have to do some digging into old files [redacted]
[redacted] We did advise each supervisor that went to GTMO to stay in line with Bureau policy and not deviate from that [redacted] I went to GTMO with [redacted] early on and we discussed the effectiveness [redacted] with the SSA. We (BAU and ITOS1) had also met with General's Dunlevey & Miller explaining our position (Law Enforcement techniques) vs. DoD. Both agreed the Bureau has their way of doing business and DoD has their marching orders from the Sec Def. Although the two techniques differed drastically, both Generals believed they had a job to accomplish. It was our mission to gather critical intelligence and evidence [redacted] in furtherance of FBI cases. In my weekly meetings with DOJ we often discussed techniques and how they were not effective or producing Intel that was reliable. [redacted] (SES), [redacted] (SES) [redacted] (now SES [redacted] at the time) and [redacted] (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed [redacted] were going to be an issue in the military commission cases. I know [redacted] brought this to the attention of [redacted]

One specific example was [redacted] Once the Bureau provide DoD with the findings [redacted] they wanted to pursue expeditiously their methods to get "more out of him" [redacted] We were given a so called deadline to use our traditional methods. Once our timeline [redacted] was up [redacted] took the reigns. We stepped out of the picture and [redacted] ran the operation [redacted] FBI did not participate at the direction of myself, [redacted] and BAU UC [redacted] We would receive IIRs on the results of the process. [redacted]

I went to GTMO on one occasion to specifically address the information coming from [redacted]
[redacted] We (DoD 3 Star Geoff Miller, FBI, CITF [redacted] etc) had a VTC with the Pentagon Detainee Policy Committee. During this VTC I voiced concerns that the Intel produced was nothing more than what FBI got using simple investigative techniques (following the trail of the detainee in and out of the US compared to the trail of [redacted] [redacted] was providing [redacted] portion of the briefing. [redacted] was present at the Pentagon side of the VTC. After allowing [redacted] to produce nothing, I finally voiced my opinion concerning the information. The conversations were somewhat heated. [redacted] agreed with me. [redacted] finally admitted the information was the same info the Bureau obtained. It still did not prevent them from continuing the [redacted] methods". DOJ was with me at GTMO [redacted] during that time.

Bottom line is FBI personnel have not been involved in any methods of interrogation that deviate from our policy. The specific guidance we have given has always been no Miranda, otherwise, follow FBI/DOJ policy just as you would in your field office. Use common sense. Utilize our methods that are proven (Reed school, etc).

If you would like to call me to discuss this on the telephone I can be reached at [redacted] b2 -1

—Original Message—

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2004 BY 60322 UCBAW

[REDACTED] GTMO

b6 -1
b7C -1

From: [REDACTED]
 To: [REDACTED]
 Date: Mon, Dec 9, 2002 10:46 AM
 Subject: GTMO

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b7C -1

It was good to talk with you the other night. I look forward to reading your response to the outlandish accusations made by the inspectors and [REDACTED]

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Attached are two documents- 1) a one-page description of a matter concerning interview/interrogation which we spoke to the Commanding general about, and 2) An outline of the coercive techniques in the military's interviewing tool kit.

I will also send our Interview Plan for Detainee [REDACTED] When I return to D.C., I will bring a copy of the military's interview Plan....You won't believe it!

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b7C -3,4
b7D -1
b7E -1b6 -1
b7C -1

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11-05-2004 BY 61572/UCB/32103/UCV/136

b7C -1date

Page 1

b6 -1

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Mon, Sep 30, 2002 7:56 PM

Re Update

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The male/female issue keeps changing. As I told [redacted] earlier today, the JAG Commander advised that she did not believe that the recent General Order was meant to apply to a situation like ours. My unsolicited input, it would be extremely difficult to have a male and a female in the BAU hooch. Numerous obvious problems such as bathroom issues, relaxation dress issues, etc. Enough of that.

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Referral/Consult DOD

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SSA [] was advised of the above and asked to provide guidance to us as the DHS wanted us to be a part of one of the interrogation teams. [] said as long as there was no "torture" involved that we were within our guidelines. He actually encouraged us to be a part of this as we would be able to provide FBIHQ with 'updates' of what was happening. As it stands right now, we will attend a meeting tomorrow morning at Delta to further discuss this scenario.

I'll continue to advise as appropriate

CC:

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Message

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Page 1 of 3

CHART
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[redacted] (IR) (FBI)

From: [redacted] (DV13) (FBI)

Sent: Monday, May 10, 2004 12:26 PM

To: HARRINGTON, T J. (DV13) (FBI)

Co: BATTLE, FRANKIE (DV13) (FBI)

(DV13) (FBI)
CUMMINGS, ARTHUR M. (DV13) (FBI)

Subject: Instructions to GTMO Interrogators.

STARS/ORGON, NORON
RECORD SIGN MM-635402

TJ,

I will have to do some digging into old files (to see if we specifically told our personnel, in writing, to not deviate from Bureau policy). We did advise each supervisor that went to GTMO to stay in line with Bureau policy and not deviate from that (as well as made them aware of some of the issues regarding DoD techniques). I went to GTMO with Andy Arena early on and we discussed the effectiveness (or lack thereof) of the DoD techniques with the SSA. We (BAU and ITOS-1) had also met with General's Dunleavy & Miller explaining our position (Law Enforcement techniques vs. DoD). Both agreed the Bureau has their way of doing business and DoD has their marching orders from the Sec Def. Although the two techniques differed drastically, both Generals believed they had a job to accomplish. It was our mission to gather critical intelligence and evidence (that could be used in a DoD court of law) in furtherance of FBI cases. In my weekly meetings with DOJ we often discussed DoD techniques and how they were not effective or producing intel that was reliable. Bruce Swartz (SES), Dave Nahmlas (SES), Laura Paraky (now SES, GS-15 at the time) and Alice Fisher (SES, Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed DoD tactics were going to be an issue in the military commission cases. How Mr. Swartz brought this to the attention of DoD OSC.

One specific example was [redacted]. Once the Bureau provides DoD with the findings [redacted] and other corrections to [redacted] (let all they wanted to pursue expeditiously their methods to get "more out of him" [redacted]). We were given a so called deadline to use our traditional methods. Once our timeline (that DoD put into place) was up, DoD took the reins. We stepped out of the picture and DoD ran the operation against [redacted]. FBI did not participate at the direction of myself, Andy Arena, and BAU UC [redacted]. We would receive IIRs on the results of the process.

I went to GTMO on one occasion to specifically address the information coming from the IIRs produced by DoD [redacted]. We (DoD 3 Star Gen. Miller, FBI, CTR [redacted] etc) had a VTC with the Pentagon Detainee Policy Committee. During this VTC I voiced concerns that the intel produced was nothing more than what FBI got using simple investigative techniques following the trail of the detainee in and out of the US compared to the trail of [redacted] based on classified info from the Pentabomb investigation). Lt. Col [redacted] was providing the DoD portion of the briefing. [redacted] was present at the Pentagon side of the VTC. After allowing DoD (Lt. Col [redacted]) to produce nothing, I finally voiced my opinion concerning the information. The conversations were somewhat heated. [redacted] agreed with me. DoD finally admitted the information was the same info the Bureau obtained. It still did not prevent them from continuing the "DoD methods". DOJ was with me at GTMO (Dave Nahmlas) during that time.

Bottom line is FBI personnel have not been involved in any methods of interrogation that deviate from our policy. The specific guidance we have given has always been no Miranda; otherwise, follow FBI/DOJ policy just as you would in your field office. Use common sense. Utilize our methods that are proven (Reed school, etc).

If you would like to call me to discuss this on the telephone I can be reached at [redacted]

b2 -1

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From: HARRINGTON, T J. (DIV13) (FBI)
Sent: Monday, May 10, 2004 9:21 AM
To: [REDACTED] (Div13) (FBI)
Subject: RE: pls confirm

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We have this information, now we are trying to go beyond, did we ever put into writing, in an EC, memo, note or briefing paper to our personnel our position to not be part of the SERE techniques that we were pursuing our traditional methods of building trust and a relationship with subjects. Tom

-----Original Message-----

From: [REDACTED] (Div13) (FBI)
Sent: Monday, May 10, 2004 10:52 AM
To: HARRINGTON, T J. (Div13) (FBI)
Cc: [REDACTED] (Div13) (FBI); BATTLE, FRANKIE (DIV13) (FBI); BOWMAN, MARION E. (Div09) (FBI)
Subject: RE: pls confirm

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b7C -1

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

BAU at the request of the then (GTMO Task Force, ITOS1) wrote an EC (quite long) explaining the Bureau way of interrogation vs. DoD's methodology. Our formal guidance has always been that all personnel conduct themselves in interviews in the manner that they would in the field. [REDACTED] along with FBI advised that the LEA (Law Enforcement Agencies) at GTMO were not in the practice of the using SERE techniques and were of the opinion results obtained from these interrogations were suspect at best. BAU explained to DoD, FBI has been successful for many years obtaining confessions via non-confrontational interviewing techniques.

We spoke to FBI OGC with our concerns. I also brought these matters to the attention of DOJ during detainee meetings with Laura Parsky and Dave Nahmias. DOJ express their concerns to DoD OGC.

[REDACTED] has a copy of all the information regarding the BAU LHM. I believe she has provided that to TJ Harrington.

I may have more specific information in my desk at HQ. I will search what I have when I return (5/17).

-----Original Message-----

From: HARRINGTON, T J. (Div13) (FBI)
Sent: Monday, May 10, 2004 4:33 AM
To: BATTLE, FRANKIE (Div13) (FBI); [REDACTED] (Div13) (FBI); [REDACTED] (Div13) (FBI)
Subject: FW: pls confirm

b6 -1

b7C -1

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Please review our control files, did we produce anything on paper???

-----Original Message-----

From: Caproni, Valerie E. (DIV09) (FBI)
Sent: Sunday, May 09, 2004 2:31 PM

[REDACTED] (DIV13) (FBI); [REDACTED]

b6

Message

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b6 -1

(DM13) (FBI) [REDACTED] (DM13) (FBI)

b7c -1

Subject: pls confirm

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

I think I've heard this several times, but let me ask one more time:

→ Has there been any written guidance given to FBI agents in either GTMO or Iraq about when they should stand clear of the interrogation techniques being used by DOD or DHS [REDACTED] (S)

BT

M

b6 -1

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DERIVED FROM: U.S. FBI Classification Guide 0-3, dated 1/97, Foreign Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//ORCON,NOFORN

Chronology
Relating to the Nomination of Alice Fisher
for Assistant Attorney General, Criminal Division
(as of September 2006)

Feb. 4, 2005: First Levin-Lieberman request (to FBI Director Robert Mueller) for an unredacted copy of the May 10, 2004 FBI e-mail referring to weekly DOJ-FBI meetings at which DoD interrogation techniques were discussed.

Feb. 7, 2005: DOJ response denies the Levin-Lieberman request for unredacted copy of May 10, 2004 FBI email.

Feb. 10, 2005: Second Levin-Lieberman request (to Attorney General Alberto Gonzales) for an unredacted copy of the e-mail.

Mar. 10, 2005: DOJ response provides a revised version of the May 10, 2004 FBI document with fewer redactions. New version includes a reference to Alice Fisher as one of the senior officials attending meetings where FBI agents expressed concerns about interrogation techniques at Guantanamo Bay.

April 4, 2005 Alice Fisher nominated for Assistant Attorney General of DOJ Criminal Division.

April 6, 2005 DOJ letter to Senator Levin supplementing the February 10, 2005 Levin/Lieberman letter, including third version of May 10, 2004 document with additional text restored. Name of email's author remains redacted.

May 2, 2005 Levin letter to Attorney General Gonzales requesting again that DOJ provide the names of the author of the email and other FBI personnel still redacted from the May 10, 2004 document and for an opportunity to interview FBI and DOJ personnel named in that document.

May 12, 2005	Judiciary Committee holds hearing on Fisher nomination.
May 2005	In response to written questions from Judiciary Committee member Senator Richard Durbin, Fisher states she did "recall general discussions about interrogations at Guantanamo Bay" but did "not recall that interrogation techniques were discussed" at weekly meetings between DOJ and FBI. She states she does "recall being aware of FBI concerns about interviews" but "cannot recall the content of specific meetings about detainee interrogation at Guantanamo Bay."
June 7, 2005	In response to second set of written questions from Senators Durbin and Kennedy, Fisher says she does "not recall FBI personnel or anyone else expressing to me allegations about mistreatment of detainees at Guantanamo Bay." She states that she "cannot reconcile my recollection with statements contained in the (May 10, 2004) email...."
June 14, 2005	Senators Durbin, Kennedy, and Levin interview Alice Fisher. Fisher says she does not recall FBI expressing concerns about interrogation techniques at Guantanamo Bay, other than concerns about their effectiveness.
June 16, 2005	Judiciary Committee reports Fisher nomination. Nomination placed on the Senate Executive Calendar.
June 29, 2005	Levin letter to Attorney General Gonzales asking for a reply to his May 2, 2005 letter and renewing requests for information and interviews of David Nahmias, Laura Parsky, Bruce Swartz, and other officials named in the May 10, 2004 email.
July 26, 2005	DOJ Letter to Judiciary Committee Chairman Arlen Specter stating that the author of the May 10, 2004 FBI email now says that he "did not have conversations with Ms. Fisher nor does he recall conversations in Ms Fisher's presence about the treatment of detainees at Guantanamo Bay."

July 29, 2005	Letter from Attorney General Gonzales to Minority Leader Harry Reid stating that the steps the Department has taken in response to Senators' concerns "are sufficient for the Senate to make an informed decision" about the Fisher nomination.
August 19, 2005	Levin letter to DOJ Inspector General Glenn Fine inquiring about issues to be review by the on-going IG investigation into FBI allegations of detainee mistreatment by DOD personnel at Guantanamo Bay. Among issues Senator Levin recommends be reviewed is "the extent to which Ms. Fisher was aware of FBI concerns about detainee interrogations and efforts to convey these concerns to DOD and others."
August 31, 2005	Alice Fisher receives recess appointment from President Bush to become Assistant Attorney General of DOJ Criminal Division.
Sept. 16, 2005	DOJ IG Fine letter to Levin indicating that ongoing review of FBI personnel's allegations regarding detainee abuse at Guantanamo will include issues relating to "the role of Alice Fisher, Assistant Attorney General for the Criminal Division, and other Department officials regarding detainee interrogation techniques."
Sept. 19, 2005	Alice Fisher is re-nominated for Assistant Attorney General of DOJ Criminal Division.
Sept. 29, 2005	Minority Leader Reid letter to Attorney General Gonzales requesting that DOJ provide interested Senators with the opportunity to interview relevant FBI and DOJ personnel.
Dec. 15, 2005	At meeting with Attorney General Gonzales and White House Counsel Harriet Miers, Senator Levin requests meeting with FBI agent who authored the May 2004 email without DOJ representative present, but offers compromise of having DOJ IG representative sit in on the meeting.
July 25, 2006	Senator Specter letter to Attorney General Gonzales requesting

to set up an interview between Senator Levin and the FBI Agent.

- July 25, 2006 Levin letter to Attorney General Gonzales requesting to meet with the FBI Agent with Senator Specter, and an IG representative present, or alternatively, a representative from the FBI's Office of General Counsel (OGC).
- July 26, 2006 DOJ letter to Levin agreeing to the request to make FBI Agent available to be interviewed with a representative from the FBI OGC present, but asserting that questions must be limited to those related to "the agent's factual knowledge of communications to Ms. Fisher about the treatment of detainees at Guantanamo Bay."
- July 26, 2006 Levin letter to DOJ clarifies that Senator Levin intends to ask the FBI agent "any question which I consider relevant to the nomination of Alice Fisher."
- July 26, 2006 Senators Levin and Specter meet with the FBI Agent, as well as FBI General Counsel Valerie Caproni. FBI Agent recalls only one FBI-DOJ meeting where Alice Fisher was present but states he had regular conversations with two Criminal Division officials, David Nahmias and Bruce Swartz, regarding DoD interrogation techniques. The FBI Agent told Mr. Nahmias that the DoD interrogation of one detainee was "completely inappropriate."
- August 1, 2006 Levin letter to Attorney General Gonzales again requesting to interview David Nahmias and Bruce Swartz.
- August 30, 2006 DOJ Letter to Levin requesting a vote on Ms. Fisher's nomination. The letter does not address Senator Levin's request for interviews of David Nahmias and Bruce Swartz.
- Sept. 12, 2006 Levin letter to Attorney General Gonzales reiterating request to interview David Nahmias and Bruce Swartz, but proposing in

the alternative that they provide answers to questions included with the letter.

{MSG016 RTF

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b7C -1

From [redacted] (INSD) (FBI) b6 -1
To Caproni, Valene E (OGC) (FBI) b7C -1
cc
Subject FW GTMO

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Here is the second summary! One more to go

Original Message

From [REDACTED] (BS) (FBI)
Sent Monday, August 02, 2004 10:46 AM
To [REDACTED] (INSD) (FBI)
Subject RE GTMO

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

5 Mr

b6 -1
b7C -1

As requested, here is a brief summary of what I observed at GTMO

On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food, or water. Most times they had urinated or defecated on themselves, and had been left there for 18, 24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. When I asked the MP's what was going on, I was told that interrogators from the day prior had ordered this treatment, and the detainee was not to be moved. On another occasion, the A/C had been turned off, making the temperature in the unventilated room probably well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

Any questions, feel free to call or ask via email

b2 -1
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b7C -1

-----Original Message-----

From [REDACTED] (INSD) (FBI)
Sent Thursday, July 29, 2004 10:58 AM
To [REDACTED] (BS) (FBI)
Subject RE GTMO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

DATE: 11-09-2004
CLASSIFIED BY: 61379DMH/POE/SJG/04-00V-4151
REASON: 1.4 (C)
DECLASSIFY ON: 11-09-2024

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DETAINEE-1760

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